

Appl. No. 09/693,327
Amdt. dated April 12, 2005
Reply to Office Action of January 19, 2005

REMARKS

Claims 1 to 15 were pending in the application at the time of examination. Claims 1 to 15 stand rejected as obvious.

Claims 1 to 11 stand rejected as being obvious, by U.S. Patent Application Publication No. 2002/0073106 A1, hereinafter referred to as Parker, in view of U.S. Patent No. 6,738,799 B2, hereinafter referred to as Dickenson. The Examiner stated in part:

As per claims 1 and 5-6, Parker et al. teaches "storing said at least one earlier version of said document in its entirety in a file . . ." (see page 6, paragraphs [0154]-[0157]) "storing said current version of said document in its entirety in said file" (see page 6, paragraphs [0154] (Sic) and page 3, paragraphs [0073]-[0076]). . . . Dickenson teaches "wherein said at least one earlier version and said current version are both in said file for subsequent use" (see col. 3, lines 45-67 and col. 4, lines 1-14). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Dickenson and Parker above, because using the steps "wherein said at least one earlier version and said current version are both in said file for subsequent use" would have given those skilled in the art the tools to store current and earlier versions in an individual file. This gives users the advantage of manipulating the versions of various documents in a more efficient manner.

Applicant respectfully traverses the obviousness rejection of Claim 1. As previously pointed out, Parker taught:

[0070] (3) comparing the Capture File (Current Version) and the Latest Version, and

[0071] (4) computing the differences (Emphasis added) between the two versions to provide a Forward Delta and a Reverse Delta wherein

[0072] (a) the Forward Delta is that difference between the Latest Version and the Current Version which when added to the Latest Version will produce the Current Version, and

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[0073] (b) the Reverse Delta is that difference between the Latest Version and the Current Version which when subtracted from the Current Version will produce the Latest Version, and

Parker, pg. 3.

Parker, as one of skill in the art, teaches away from the motivation used in the rejection to combine references. Parker taught calculating deltas relative to the current version. It was the delta and a particular version that were stored for subsequent use. Paragraph 74 described storing the reverse delta and the current version in the "Vault Historical Archive." Parker explicitly stated in Paragraph 74 that the Latest Version is deleted from the "Vault Historical Archive."

Thus, Parker explicitly taught that the current version and the latest version were not stored at the same time in the "Vault Historical Archive" for subsequent use.

Paragraph 76 of Parker taught that the forward delta and a new file are placed in a container. Again, two versions in their entirety are not stored, but rather a file and a delta. Applicant respectfully points out that Parker simply taught an alternative method for managing the prior art described by Applicant.

With respect to an obviousness rejection the MPEP requires:

A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.

MPEP § 2141.02, 8th Ed., Rev. 2, pg. 2100-127 (May 2004).

Thus, when Parker is considered as a whole, Parker teaches away from the invention of Claim 1 by teaching that two versions are not stored in a single file. Nevertheless, despite this explicit teaching away, the rejection looks to a second reference.

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Contrary to the interpretation used in the rejection, the second reference also taught that two different files are used. In particular,

FIG. 9 illustrates the creation of a current copy on the client computer of the current subscription file from a copy of the earlier version of the subscription file on the client computer using the update file 801 shown in FIG. 8. FIG. 9 shows the copy of the earlier version of the subscription file 901 as well as the data contents of the update file 902 as it corresponds to the client computer's copy of the current version of the subscription file 903. (Emphasis Added)

Dickenson, Col. 10, lines 23 to 30. This clearly describes that two different files 901 and 903 are used. There is no basis for interpreting that these two files are a single file when each is described a copy of a particular file. It is clear that a copy of a file is a file and the reference explicitly stated that each is a different copy of the file.

Moreover, the reference taught:

Dotted rectangle 950 illustrates data that is resident on the client computer 201.

Dickenson, Col. 10, 47 and 48.

Thus, the reference taught that the two files are "data . . . resident on the client computer" and not a single file on the client computer. The reference is careful to distinguish between files and data and teaches that the two files 901 and 903 are data 950.

The rejection has cited no teaching of using a single file, as recited in Claim 1, in either reference and the motivation, as quoted above, does not include any reference to the prior art. Both references teach away from Claim 1 because the first teaches storing a file and a delta and the second teaches using two different files. Therefore, in view of the above quotation from the MPEP, the references demonstrate that

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those of skill in the art would not make the combination used in the final rejection and in particular contradict the motivation given for the combination. Therefore, Applicant respectfully submits that the rejection is not well founded. Applicant requests reconsideration and withdrawal of the obviousness rejection of Claim 1.

Claims 2 to 4 depend from Claim 1 and so distinguish over the combination of references for at least the same reasons as Claim 1. Applicant requests reconsideration and withdrawal of the obviousness rejection of each of Claims 2 to 4.

With respect to the obviousness rejection of Claim 5, the above comments concerning Parker and Claim 1 are incorporated herein by reference. Also, Paragraph 76 of Parker, as quoted above, describes encrypting both the delta and the file. First, as noted with respect to Claim 1, this teaches away from storing both versions in their entireties. Second, the delta and file are both encrypted which teaches away from storing in different forms as in Claim 5. Accordingly, Claim 5 distinguishes over the combination of references for multiple reasons. Applicant requests reconsideration and withdrawal of the obviousness rejection of Claim 5.

Claim 6 includes language similar to Claim 1. Thus, the comments above with respect to Claim 1 are directly applicable to Claim 6 and are incorporated herein by reference. Applicant requests reconsideration and withdrawal of the obviousness rejection of Claim 6.

Claims 7 to 8 depend from Claim 6 and so distinguish over the combination of references for at least the same reasons as Claim 6. Applicant requests reconsideration and withdrawal of the obviousness rejection of each of Claims 7 to 8.

Claim 9 includes language similar to Claim 1. Thus, the comments above with respect to Claim 1 are directly applicable to Claim 9 and are incorporated herein by reference. Applicant

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requests reconsideration and withdrawal of the obviousness rejection of Claim 9.

Claims 10 to 11 depend from Claim 9 and so distinguish over the combination of references for at least the same reasons as Claim 9. Applicant requests reconsideration and withdrawal of the obviousness rejection of each of Claims 10 to 11.

New Claim 12 includes language similar to Claim 1. Thus, the comments above with respect to Claim 1 are directly applicable to Claim 12 and are incorporated herein by reference. Applicant submits that Claim 12 distinguishes over the combination of references.

Claims 13 to 15 depend from Claim 12 and so distinguish over the combination of references for at least the same reasons as Claim 12. Applicant submits that each of Claim 13 to 15 distinguishes over the combination of references.

Claims 1 to 15 remain in the application. For the foregoing reasons, Applicant respectfully requests allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant.

Respectfully submitted,

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. (703) 872-9306, on April 12, 2005.

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